

**Objections to Defendant's Declarations for Halley, Chittenden, Rezler, Surh, Wagner, Fischel and Turki**

**IV. Patricia Halley**

Testimony	Objections
Halley Dec. ¶5	Relevance (FRE 401, 402, 403); Lay opinion (FRE 701 and 702).
Halley Dec. ¶9	Speculation/Lack of Personal Knowledge (FRE 602).
Halley Dec. ¶13	Best Evidence Rule (FRE 1002); Hearsay (FRE 801 and 802).
Halley Dec. ¶14	Speculation/Lack of Personal Knowledge (FRE 602).
Halley Dec. ¶15	Best Evidence Rule (FRE 1002).
Halley Dec. ¶16	Lay opinion (FRE 701 and 702).
Halley Dec. ¶17	Lay opinion (FRE 701 and 702); Hearsay (FRE 801 and 802).
Halley Dec. ¶23	Best Evidence Rule (FRE 1002); Hearsay (FRE 801 and 802).
Halley Dec. ¶27	Hearsay (FRE 801 and 802).
Halley Dec. ¶28	Hearsay (FRE 801 and 802); Lack of Personal knowledge for times prior to June 2015 when she joined the Committee (FRE 602); Objection lack of Personal Knowledge as to what the other Committee members considered in their decision making.
Halley Dec. ¶29	Hearsay (FRE 801 and 802); Lay Opinion (FRE 701 and 702).
Halley Dec. ¶30	Lay Opinion (FRE 701 and 702).
Halley Dec. ¶35	Lay opinion (FRE 701 and 702); Speculation/Lack of Personal Knowledge (FRE 602).
Halley Dec. ¶37	Lay opinion (FRE 701 and 702); Speculation.
Halley Dec. ¶39	Lay opinion (FRE 701 and 702).
Halley Dec. ¶42	Hearsay (FRE 801 and 802).
Halley Dec. ¶50	Relevance (FRE 401, 402 and 403); Lay Opinion (FRE 701 and 702).

**V. Douglas Chittenden**

Testimony	Objections
Chittenden Dec. ¶5	Relevance (FRE 401, 402, 403).
Chittenden Dec. ¶6	Relevance (FRE 401, 402, 403).
Chittenden Dec. ¶7	Relevance (FRE 401, 402, 403).
Chittenden Dec. ¶8	Relevance (FRE 401, 402, 403).
Chittenden Dec. ¶10	Relevance (FRE 401, 402, 403).
Chittenden Dec. ¶11	Relevance (FRE 401, 402, 403).
Chittenden Dec. ¶45	Relevance (FRE 401, 402, 403); Summary testimony without the proper foundation (FRE 1006).
Chittenden Dec. ¶49	Relevance (FRE 401, 402, 403).
Chittenden Dec. ¶51.	Best Evidence Rule (FRE 1002).
Chittenden Dec. ¶53	Relevance (FRE 401, 402, 403); Summary testimony without the proper foundation (FRE 1006).
Chittenden Dec. ¶54	Relevance (FRE 401, 402, 403); Summary testimony without the proper foundation (FRE 1006).
Chittenden Dec. ¶55	Speculation/Lack of Personal Knowledge (FRE 602).
Chittenden Dec. ¶56.	Lay opinion (FRE 701 and 702); Speculation.
Chittenden Dec. ¶57	Hearsay (FRE 801 and 802); Best Evidence Rule (1002).
Chittenden Dec. ¶61.	Lay opinion (FRE 701 and 702).
Chittenden Dec. ¶63	Relevance (FRE 401, 402, 403); Summary testimony without the proper foundation (FRE 1006).
Chittenden Dec. ¶64	Relevance (FRE 401, 402, 403); Summary testimony without the proper foundation (FRE 1006).
Chittenden Dec. ¶66	Relevance (FRE 401, 402, 403).
Chittenden Dec. ¶68	Lay opinion (FRE 701 and 702).

## VI. Jan Rezler

Testimony	Objections
Rezler Dec. ¶13	Lay opinion (FRE 701 and 702).
Rezler Dec. ¶14	Lay opinion (FRE 701 and 702).
Rezler Dec. ¶15	Hearsay (FRE 801 and 802); Best Evidence Rule (FRE 1002); Speculation/Lack of Personal Knowledge (FRE 602).
Rezler Dec. ¶16	Best Evidence Rule (FRE 1002); Speculation/Lack of Personal Knowledge (FRE 602); Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶18	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶19	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶20	Hearsay (FRE 801 and 801).
Rezler Dec. ¶25	Hearsay (FRE 801 and 802); Best Evidence Rule (FRE 1002).
Rezler Dec. ¶26	Best Evidence Rule (FRE 1002)
Rezler Dec. ¶27	Best Evidence Rule (FRE 1002); Hearsay (FRE 801 and 802); Lay Opinion (FRE 702)
Rezler Dec. ¶28	Hearsay (FRE 801 and 802); Best Evidence Rule (1002).
Rezler Dec. ¶29	Speculation/Lack of Personal Knowledge (FRE 602); Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶31	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶33	Speculation/Lack of Personal Knowledge.
Rezler Dec. ¶36	Hearsay (FRE 801 and 802); Speculation/Lack of Personal Knowledge (FRE 602); Lay Opinion (FRE 701 and 702); Best Evidence Rule (1002).
Rezler Dec. ¶38	Hearsay (FRE 801 and 802); Best Evidence Rule (FRE 1002); Speculation/Lack of Personal Knowledge (FRE 602).
Rezler Dec. ¶41	Hearsay (FRE 801 and 802); Best Evidence Rule (FRE 1002); Speculation/Lack of Personal Knowledge (FRE 602).
Rezler Dec. ¶42	Hearsay (FRE 801 and 802); Best Evidence Rule (FRE 1002).
Rezler Dec. ¶45	Hearsay (FRE 801 and 802); Best Evidence Rule (FRE 1002).
Rezler Dec. ¶46	Hearsay (FRE 801 and 802); Best Evidence Rule (FRE 1002); Speculation.
Rezler Dec. ¶48	Speculation/Lack of Personal Knowledge (FRE 602); Hearsay (FRE 801 and 802).
Rezler Dec. ¶50	Hearsay (FRE 801 and 802).
Rezler Dec. ¶52	Lay Opinion (FRE 701 and 702).

Testimony	Objections
Rezler Dec. ¶54	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶58	Summary testimony without foundation (FRE 1006).
Rezler Dec. ¶59	Summary testimony without foundation (FRE 1006).
Rezler Dec. ¶63	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶64	Best Evidence Rule (FRE 1002); Hearsay (FRE 801 and 802); Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶66	Speculation/Lack of Personal Knowledge (FRE 602); Hearsay (FRE 801 and 802).
Rezler Dec. ¶68	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶69	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶70	Lay opinion (FRE 701 and 702).
Rezler Dec. ¶71	Lay opinion (FRE 701 and 702); Speculation/Lack of Personal Knowledge (FRE 602).
Rezler Dec. ¶72	Best Evidence Rule (FRE 1002); Hearsay (FRE 801 and 802); Speculation/Lack of Personal Knowledge (FRE 602); Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶74	Speculation/Lack of Personal Knowledge (FRE 602); Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶75	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶76	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶77	Speculation/Lack of Personal Knowledge (FRE 602).
Rezler Dec. ¶¶78-85	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶86	Speculation/Lack of Personal Knowledge (FRE 602); Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶87	Speculation/Lack of Personal Knowledge (FRE 602).
Rezler Dec. ¶88	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶91	Lay Opinion (FRE 701 and 702).
Rezler Dec. ¶93	Hearsay (FRE 801 and 802); Best Evidence Rule (FRE 1002); Speculation/Lack of Personal Knowledge (FRE 602).
Rezler Dec. ¶95	Speculation/Lack of Personal Knowledge (FRE 602); Lay Opinion (FRE 701 and 702).

## VII. Martin Dorph

Testimony	Objections
Dorph Dec. ¶9	Best Evidence Rule (FRE 1002); Hearsay (FRE 801 and 802).
Dorph Dec. ¶11	Best Evidence Rule (FRE 1002); Hearsay (FRE 801 and 802); Speculation/Lack of Personal Knowledge (FRE 602); Lay Opinion (FRE 701 and 702).
Dorph Dec. ¶12	Speculation/Lack of Personal Knowledge (FRE 602); Hearsay (FRE 801 and 802).
Dorph Dec. ¶13	Speculation/Lack of Personal Knowledge (FRE 602).
Dorph Dec. ¶14	Speculation/Lack of Personal Knowledge (FRE 602); Lay Opinion (FRE 701 and 702).
Dorph Dec. ¶¶15-17	Lay Opinion (FRE 701 and 702).
Dorph Dec. ¶17	Lay opinion (FRE 701 and 702); Speculation/Lack of Personal Knowledge (FRE 602).
Dorph Declaration ¶18	Lay opinion (FRE 701 and 702); Speculation/Lack of Personal Knowledge (FRE 602) – Mr. Dorph testified he did not attend Committee meeting during this period. Dorph Dec. ¶7.

## VIII. Tina Surh

Testimony	Objections
Surh Dec. ¶9	Speculation/Lack of Personal Knowledge (FRE 602).
Surh Dec. ¶11	Hearsay (FRE 801 and 802).
Surh Dec. ¶12	Hearsay (FRE 801 and 802); Speculation/Lack of Personal Knowledge (FRE 602).
Surh Dec. ¶13	Speculation/Lack of Personal Knowledge (FRE 602).
Surh Dec. ¶15	Lay Opinion (FRE 701 and 702).
Surh Dec. ¶18	Lay Opinion (FRE 701 and 702).
Surh Dec. ¶21	Hearsay (FRE 801 and 802).
Surh Dec. ¶¶24-26	Hearsay (FRE 801 and 802).

Testimony	Objections
Surh Dec. ¶27	Lay Opinion (FRE 701 and 702); Speculation/Lack of Personal Knowledge (FRE 602).
Surh Dec. ¶28	Hearsay (FRE 801 and 802).
Surh Dec. 33.	Hearsay (FRE 801 and 802); Lay Opinion (FRE 701 and 702).
Surh Dec. ¶35	Hearsay (FRE 801 and 802).
Surh Dec. ¶37	Hearsay (FRE 801 and 802); Lay Opinion (FRE 701 and 702).
Surh Dec. ¶38	Speculation/Lack of Personal Knowledge (FRE 602).
Surh Dec. ¶39	Hearsay (FRE 801 and 802).
Surh Dec. ¶42	Hearsay (FRE 801 and 802); Speculation/Lack of Personal Knowledge (FRE 602).

## IX. Marcia Wagner

Testimony	Objections
Wagner Dec. ¶4	Violates the Court's Order (Doc. 270 at 2) prohibiting Ms. Wagner from opining "as to the ultimate legal conclusion regarding prudence."
Wagner Dec. ¶5	Lay Opinion (FRE 701 and 702).
Wagner Dec. ¶6	Lay Opinion (FRE 701 and 702).

## X. Daniel Fischel

Testimony	Objections
Fischel Dec. ¶2	Fischel's reference to the unpublished article by Peter Wiedenbeck was previously not disclosed in his expert report.
Fischel Dec. ¶8	Lay opinion (FRE 701 and 702); Speculation/Lack of Personal Knowledge (FRE 602); Relevance (FRE 401, 402, 403).
Fischel Dec. ¶16	Lay opinion (FRE 701 and 702); Speculation/Lack of Personal Knowledge (FRE 602); Relevance (FRE 401, 402,

Testimony	Objections
	403).

## XI. Lassaad Turki

Testimony	Objections
Turki Dec. ¶22	Hearsay (FRE 801 and 802). To the extent the Court is inclined to grant any part of Defendant's letter motion (Doc. 291), then Plaintiffs' request that Turki's references to and conclusions drawn from Dr. Buetow's deposition testimony constitute new opinions not contained in Turki's expert report and should be stricken.